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UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA  
By Deputy  
pm

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

MARK R.M. HOLMSTRAND,

Plaintiff,

vs.

Case No. A05-0066 CV (JKS)

NEW YORK LIFE INSURANCE  
COMPANY, a foreign corporation, PAUL  
REVERE LIFE INSURANCE COMPANY,  
a Massachusetts Corporation,  
UNUMPROVIDENT CORPORATION, a  
Delaware Corporation (d/b/a, inter alia, Paul  
Revere Life Insurance Company, Unum  
Life Insurance Company, a Maine  
Corporation, Provident Life and Accident  
Insurance Company, a Tennessee  
Corporation, and GENEX, a Pennsylvania  
Corporation) and ROBERT  
LEIMGRUBER, an Ohio Resident.

**PLAINTIFF'S FIRST MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS FROM DEFENDANTS  
NEW YORK LIFE, PAUL REVERE LIFE  
INSURANCE COMPANY  
AND UNUMPROVIDENT  
CORPORATION**

Plaintiff's First Motion to Compel Production of  
Documents from Defendants New York Life,  
Paul Revere Life Insurance Company  
and UnumProvident Corporation

COMES NOW plaintiff, Mark Holmstrand, by and through his attorneys and pursuant to FRCP 37(a)(2)(B) moves to compel the production of documents sought through plaintiff's first requests for production pursuant to FRCP 34. In particular plaintiff moves to compel the production of documents responsive to the following requests for production:


- Paul Revere Life Insurance Company: RFP A.5, A.6, A.8-A.10, A.12, A.13, A.19, A.20, A.22, B.5- B.17, C.3-C.13, C.17, C.18;
- UnumProvident Corporation: RFP A.5-6, A.8-10, A.12, A.13, A.19, A.20, A.22, B.5-B.17, C.3-13, C.19, C.20; and
- New York Life Insurance Company: RFP A.4, A.5, A.7-A.9, B.5-B.16, C.3-C.5.

Defendants' responses to the requests for production (including the requests themselves) are attached hereto as Appendices A-C.

This motion is further supported by the accompanying memorandum of points and authorities and exhibits. Undersigned counsel hereby certifies that he has attempted to confer with counsel for defendants in an effort to secure the information without intervention of the court. Plaintiff's counsel provided defense counsel with a letter identifying issues of concern on November 14, 2005. As of the date of this memorandum no substantive response has been received, though defense counsel has indicated defendants will be providing some response by December 9, 2005. Defense counsel has informed plaintiff's counsel that even with that future response he believes a motion to compel is inevitable. Plaintiff's counsel has informed defense counsel of his continued willingness to meet and confer and his willingness to withdraw all or part of this motion should accommodation be reached.

Because plaintiff's memorandum addresses documents that have been produced pursuant to the stipulated protective order in this case, it is filed under seal. Similarly, because certain of the exhibits to plaintiff's memorandum are subject to protective order, they too are filed under seal.

1 DATED this <sup>5<sup>th</sup></sup> 2 day of December, 2005.

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6 Friedman, Rubin & White  
7 Attorneys for Mark Holmstrand  
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